

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE ) C-11-02509 LHK  
ANTITRUST LITIGATION, )  
 ) SAN JOSE, CALIFORNIA  
 )  
 ) OCTOBER 21, 2013  
THIS DOCUMENT RELATES TO: )  
ALL ACTIONS ) PAGES 1-76  
 )

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE LUCY H. KOH  
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

FOR THE PLAINTIFFS: JOSEPH SAVERI LAW FIRM  
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APPEARANCES CONTINUED ON NEXT PAGE

OFFICIAL COURT REPORTER: LEE-ANNE SHORTRIDGE, CSR, CRR  
CERTIFICATE NUMBER 9595

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY  
TRANSCRIPT PRODUCED WITH COMPUTER

1           HOWEVER, I'D LIKE TO SUGGEST FOR THE INDIVIDUAL  
2           DEFENDANTS' BRIEFS THAT EACH DEFENDANT, INSTEAD OF MY ORIGINAL  
3           7 PAGES EACH, WOULD GET 9 PAGES EACH, SO THAT THE TOTAL PAGE  
4           LIMIT WOULD BE 36 FOR THE MOVING PAPERS; 36 FOR THE OPPOSITION;  
5           AND 25 FOR THE REPLY INSTEAD OF THE 42, 42, 32.

6           AND I'M MOSTLY JUST THINKING IN TERMS OF WHAT WE CAN  
7           HANDLE DURING THE HEARINGS ON THESE VARIOUS DATES, YOU KNOW,  
8           THE DISPOSITIVE MOTIONS AND DAUBERT MOTIONS ON MARCH 20TH AND  
9           27TH. I JUST HAVE CONCERNS.

10          I MEAN, JUST BECAUSE OF WHAT'S, UNFORTUNATELY, BEEN  
11          SCHEDULED IN ALL OF MY OTHER CASES, I'M CONCERNED THAT WE MAY  
12          NOT BE ABLE TO HANDLE MUCH MORE THAN THAT. IT'S JUST OUR OWN  
13          LIMITATIONS.

14          SO DO YOU WANT TO BE HEARD ON --

15                 MR. VAN NEST: JUST BRIEFLY, YOUR HONOR.

16                 THE COURT: YES.

17                 MR. VAN NEST: IF WE -- YOUR HONOR GAVE US 15 PAGES  
18                 ON THE COMMON ISSUES.

19                 THE COURT: THAT'S THE SAME.

20                 MR. VAN NEST: RIGHT.

21                 THE COURT: THAT'S UNCHANGED.

22                 MR. VAN NEST: IF WE'RE -- IF WE'RE GOING TO HAVE TO  
23                 MOVE FROM 42 --

24                 THE COURT: UM-HUM.

25                 MR. VAN NEST: -- WHICH WE HAD BEFORE, DOWN TO A

1 LOWER NUMBER --

2 THE COURT: 36.

3 MR. VAN NEST: -- COULD WE HAVE JUST A FEW MORE PAGES  
4 ON THE COMMON ISSUES? SAY 20?

5 THE COURT: WELL --

6 MR. VAN NEST: I UNDERSTAND WE CAN ALLOCATE THESE THE  
7 WAY WE WANT. I'M TRYING HARD TO COORDINATE WITH EVERYONE.

8 THE COURT: SURE.

9 MR. VAN NEST: BUT OBVIOUSLY IF THE PLAINTIFFS ARE  
10 SAYING, YOU KNOW, THE SCOPE OF ISSUES IS THE SAME, TO THE  
11 EXTENT THAT THERE'S EVIDENCE AFFECTING LUCASFILM AND SO ON,  
12 PIXAR, WE STILL HAVE TO ADDRESS IT.

13 SO I WOULD HAVE NO PROBLEM WITH 9 EACH IF WE COULD GET 20  
14 ON THE COMMON, AND THEN WHATEVER FLOWS FROM THAT WITH A REPLY.

15 THE COURT: WELL, LET ME ASK YOU, OKAY, WHAT IF WE --  
16 DO YOU THINK THAT THE COMMON ISSUES WILL BE MORE -- WELL, WHAT  
17 DO YOU HAVE --

18 MR. VAN NEST: IT COULD BE --

19 THE COURT: -- IN MIND -- MY ONLY CONCERN ON THE  
20 SUMMARY JUDGMENT AND THE REASON WHY I'M ALSO LIMITING THE  
21 BRIEFING, NUMBER ONE, IS THERE ARE GOING TO BE SO MANY  
22 DIFFERENT MOTIONS THAT IT'S GOING TO BE DIFFICULT FOR MY  
23 CHAMBERS TO HANDLE.

24 MR. VAN NEST: RIGHT.

25 THE COURT: ALSO, I JUST THINK THAT THE LIKELIHOOD

1 THAT THERE WILL BE A SINGLE MATERIAL FACTUAL DISPUTE IS FAIRLY  
2 LIKELY BASED ON WHAT I'VE SEEN SO FAR IN THIS CASE.

3 SO I DON'T WANT TO INVEST ALL OF MY CHAMBERS RESOURCES ON  
4 MOTIONS THAT I REALLY JUST DON'T -- I MEAN, I'M MORE LIKELY TO  
5 SEE IF THERE'S SOME ISSUE LIKE THE INDIVIDUAL, LIKE THE WHOLE  
6 PRESIDIO ISSUE THAT LUCASFILM BROUGHT IN THE MOTION TO DISMISS  
7 CONTEXT, THAT I CAN UNDERSTAND.

8 MR. VAN NEST: SURE.

9 THE COURT: BUT OTHERWISE ON THE COMMON ISSUES, I  
10 JUST THINK THERE'S GOING TO BE A FACTUAL DISPUTE HERE.

11 MR. VAN NEST: WELL, I THINK, YOUR HONOR, OBVIOUSLY  
12 IT'S AN IMPORTANT CASE AND OBVIOUSLY THERE ARE A LOT OF  
13 RESOURCES IN IT. I'M NOT ASKING FOR MUCH MORE.

14 I DISAGREE WITH THE COURT. I DO THINK THERE ARE A COUPLE  
15 OF REALLY BIG PICTURE ISSUES THAT WE'LL BENEFIT FROM.

16 THE COURT: OKAY.

17 MR. VAN NEST: AND IF 15 IS ALL YOU CAN ACCOMMODATE,  
18 WE'LL LIVE WITH IT. BUT IF WE CAN HAVE 20 ON THE COMMON  
19 ISSUES, MAYBE WE COULD --

20 THE COURT: OKAY. WELL, I WOULD ENTERTAIN INCREASING  
21 THE COMMON TO 20, BUT THEN I WOULD WANT TO CUT THE INDIVIDUAL A  
22 LITTLE BIT MORE, MAYBE BACK TO 7 PAGES PER DEFENDANT LIKE IT  
23 WAS PREVIOUSLY. WOULD THAT BE BETTER FOR YOU TO HAVE MORE  
24 PAGES --

25 MR. VAN NEST: IT'S A PAGE EITHER WAY. I MEAN, IT'S

1 A PAGE EITHER WAY. SO -- I MEAN, I UNDERSTAND IF -- MY  
2 UNDERSTANDING OF WHAT YOU SAID EARLIER WAS IF WE NEED TO SPEND  
3 MORE ON THE COMMON ISSUES, WE'VE GOT TO TAKE IT OUT OF THE  
4 INDIVIDUAL ISSUES, AND WE'LL DO THAT.

5 SO IF -- RIGHT NOW IF YOU'RE GIVING US 36, 9 TIMES 4, PLUS  
6 15 --

7 THE COURT: YES.

8 MR. VAN NEST: -- WE'VE GOT 51 PAGES AND I'M ASKING  
9 FOR 56 PAGES. SO WHAT YOU'RE SUGGESTING IS IN THIS BALLPARK.

10 THE COURT: IT'S JUST THE ALLOCATION OF PAGES. I  
11 MEAN, I WOULD LIKE -- I'D LIKE TO KEEP -- JUST BECAUSE I DO  
12 THINK THERE WILL BE A HUMAN LIMIT TO WHAT WE CAN HANDLE.

13 MR. VAN NEST: SURE.

14 THE COURT: I MEAN, ALL OF THE ORDERS IN THIS CASE  
15 HAVE BEEN REALLY BIG ENDEAVORS FOR US.

16 MR. VAN NEST: RIGHT. YOU'RE BUSY ENOUGH, YOUR  
17 HONOR. YOU DON'T NEED TO SPEND ANY MORE TIME ON IT.

18 WE'LL LIVE WITH THAT, ASSUMING WE CAN ALLOCATE THE PAGES  
19 THE WAY WE DEEM APPROPRIATE. OBVIOUSLY IF WE SPEND A FEW MORE  
20 ON COMMON ISSUES, WE'LL TAKE THEM AWAY.

21 THE COURT: THAT'S FINE. DO YOU WANT TO DO IT THAT  
22 WAY THEN?

23 MR. VAN NEST: WE'LL DO IT THAT WAY.

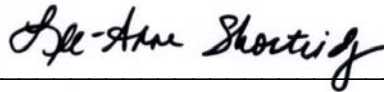
24 THE COURT: OKAY.

25 MR. VAN NEST: SO WE'VE GOT BASICALLY 51 PAGES

CERTIFICATE OF REPORTER

I, THE UNDERSIGNED OFFICIAL COURT REPORTER OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY CERTIFY:

THAT THE FOREGOING TRANSCRIPT, CERTIFICATE INCLUSIVE, IS A CORRECT TRANSCRIPT FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.



LEE-ANNE SHORTRIDGE, CSR, CRR  
CERTIFICATE NUMBER 9595

DATED: OCTOBER 30, 2013